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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

UNITE HERE NATIONAL RETIREMENT	)	No. 3:06-cv-00239-RRB
FUND, LONDON PENSIONS FUND	)	
AUTHORITY and JEFFREY PICKETT,	)	AFFIDAVIT OF MARK SCHWARTZ IN
Derivatively on Behalf of BP P.L.C., BP	)	SUPPORT OF PLAINTIFFS' MOTION TO
AMERICA, INC., BP OIL CO. INC. and BP	)	REMAND
EXPLORATION (ALASKA) INC.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
THE LORD JOHN BROWNE OF	)	
MADINGLEY, et al.,	)	
	)	
Defendants,	)	
	)	
– and –	)	
	)	
BP P.L.C., et al.,	)	
	)	
Nominal Defendants.	)	
	)	
	)	
	)	

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## AFFIDAVIT


THE STATE OF NEW YORK §  
                                                  §  
                                                  §  
COUNTY OF NEW YORK §

Mark Schwartz, being duly sworn, deposes and says:

1. I am over the age of eighteen and understand the obligations of an oath.
2. I make this Affidavit in support of Plaintiffs' Motion to Remand *UNITE HERE National Retirement Fund, et al. v. The Lord John Browne Of Madingley, et al.*, Dist. AK No. 3:06-cv-00239-RRB, back to the Superior Court of the State of Alaska, Third Judicial District at Anchorage.
3. I am the Secretary of UNITE HERE Fund Administrators, Inc., the Administrator of the UNITE HERE National Retirement Fund ("UNITE HERE").
4. UNITE HERE is a Taft-Hartley pension fund with a Board of Trustees that is comprised of one-half labor representatives and one-half management business representatives. UNITE HERE administers assets of approximately \$1.6 billion for over 290,000 participants, primarily in the textile and hotel industries.
5. UNITE HERE has 22 trustees. Based on UNITE HERE's records, the following trustees reside in and, upon information and belief, are domiciled for purposes of diversity jurisdiction in the states of Illinois, Georgia, and Florida: (i) trustees Noel Beasley, Homi Patel, and Lynn Talbott reside in the State of Illinois; (ii)

trustee Harris Raynor resides in the State of Georgia; and (iii) trustee James Haneschlager resides in the State of Florida.

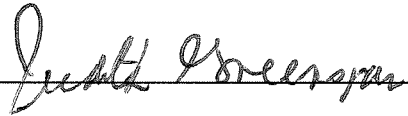
Further affiant sayeth not.



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Mark Schwartz, Esq., as Secretary,  
UNITE HERE Fund Administrators, Inc.,  
Administrator of the UNITE HERE National  
Retirement Fund

Subscribed and Sworn to before me, the undersigned authority, this 15<sup>th</sup> day  
of November 2006, to certify which witness my hand and seal of office.



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Notary Public - State of New York

JUDITH GREENSPAN  
NOTARY PUBLIC, State of New York  
No. 41-4814751  
Qualified in Queens County  
Commission Expires May 31, 2010

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ MARY K. BLASY  
MARY K. BLASY

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# Mailing Information for a Case 3:06-cv-00239-RRB

## Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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## Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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